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PUBLIC OCCURRENCES.

BRITISH.

Last month a trial before lord Ellenborough, was inserted, respecting the pomp of heraldry, and the follies connected with this science; this month we insert a trial occasioned by fox hunting. By this amusement of the higher classes, the working part of the community are also induced to become idle, while the industrious farmer suffers by his hedges being broken, and his land being trodden down by the equestrians, the pedestrians and the quadrupeds engaged in such pursuits. An instance is afforded by this trial, that such damage cannot be committed with impunity.

HERTFORD ASSIZES.

George Earl of Essex v. the honourable and reverend William Capel Before Lord Ellenborough and a special Jury. Monday, July 24, 1809.

This was a cause which excited a considerable degree of interest, and there was scarcely a gentleman of rank for many miles round, who did not attend for the purpose of hearing it.

Mr. Sergeant Shepherd addressed the jury on the part of the plaintiff in a most able and eloquent speech. He lamented that the jury should be called upon to decide a question of this nature between two persons who stood in so near a degree of relationship to each other; but inasmuch as the earl of Essex was under the necessity of bringing this action, for the purpose of protecting himself in the enjoyment of his property, and as Mr. Capel had stood forward as the manager and principal person of the Berkeley hunt, he had rendered it absolutely necessary, that he should be the first person attacked by the earl of Essex. The complaint was, that the defendant had committed a trespass in breaking and entering his grounds, called Cashiobury Park, and with horses and hounds destroying the grass and herbage and breaking down his fences. The defendant justified himself this way—He said, that he had started a fox on other ground, which was not the property of the earl of Essex, and that the fox being a noxious animal and liable to do mischief, he for the purpose of killing and destroying him, and as the most effectual means of doing so, broke and entered the park with hounds and horses, and hunted the fox. The answer of the earl of Essex to this was, that the defendant's object was not to destroy the

fox, and that if it was so, hunting was not the most effectual means of killing the animal; but that on the contrary, his motive was the amusement and diversion afforded by the chase. The learned Sergeant observed, that the object professed by the defendant in his plea was perfectly ridiculous and absurd; he would have it supposed, that himself and the gentlemen composing the Berkeley hunt, had associated themselves not for their amusement or diversion, but for the pure patriotic desire of destroying these noxious animals; the defendant would have the jury believe, that clergymen were descending from their pulpits, bankers neglecting their counting-houses, brewers running away from their breweries, and all flocking from London, for no other purpose than to confer the obligation on the people of Herts of freeing the country from noxious vermin. So far from it being their object to destroy foxes, he rather thought if they were to start a fox, and some man happening to have a gun in his hand was to fall in with their patriotic motive, and was to shoot the fox, he would meet with but *lentez* entertainment. In fact, every one knew that their object was the diversion of the chase and that they did not care three farthings whether the fox was killed or not, except for the triumph of his brush. The object of rooting them out of the country was absurd, for every one knew they wished to increase them in order to have the pleasure of running them to death; but to put it beyond all doubt in this case, he should prove that lord Essex, as one of the proprietors of laud, had employed a man to take the most effectual mode of killing foxes, which was by catching them in a trap, or shooting them with a gun; these two modes Mr. Capel did not like, and he spoke to the man upon the subject, but the man was steady, and he went on shooting wherever his bullets would reach, and catching wherever his traps would take. Mr. Capel then said, "I do not ask you not to destroy the foxes; but I will tell you what, I will send you a barrel of ale to drink success to the Berkeley hunt." Now, when a man said to another, "I do not ask you to do a particular thing," it was generally the most expressive way of indicating a wish to have it done.—It put him in mind of a story of a quaker, who being on board of a ship—a merchant ship; the master observed

to him, that there was a French row-boat coming towards them, no doubt with a design to board them; but, added the master, with an appropriate oath or two, "I'll run the fellows down"—the quaker said, "Oh! surely, you woud do such a wicked thing as to destroy so many poor people's lives"—"Yes, but I will, exclaimed the master"—"I would not," replied the quaker, "for the world; but I will tell thee what, friend, if I was inclined to do such a thing, I would *starboard my helm*"—the master did starboard the helm, and the boat was run down. The learned Sergeant repeated that the object of the defendant and the Berkeley club; was, to preserve foxes in order to hunt them. Very like raising the devil for the purpose of laying him. After some other general observations, he concluded by expressing his perfect confidence, that the verdict of the jury would prevent a repetition of the injury.

Two witnesses, one of the name of Richard Pugh, his lordship's bailiff, and John Hollinshead, his lordship's game keeper, clearly proved the facts of the case, and the late witness distinctly stated, that he had been asked by the defendant, Mr. Capel, not to destroy foxes.

Lord Ellenborough interrupted the further progress of the cause, observing, that it was a contention against all nature and conviction. Could it be supposed that gentlemen hunted for the purpose of killing vermin and not for their diversion? Could the jury be desired to say upon their oaths that the defendant was actuated by any other motive than a desire to enjoy the pleasures of the chase?—he had wished to suffer the cause to go to a certain extent before he expressed his opinion upon the subject. Even if the dogs might be allowed to run, was there any pretence for saying, that where the dogs did not go, any person could ride and break down the fences—The defendant said, that he had not committed the trespass for the sake of the diversion of the chase, but as the only effectual way of killing and destroying the fox.—Now, could any man of common sense hesitate in saying, that the principal motive was not killing vermin, but the sport? It was a sport the law of the land would not justify, and there should not be a new law of the land accommodated to the pleasures and amusements of these gentlemen. The pleasures of the chase might be taken when there was the consent of others who were injured by them, but they must be subservient to such consent. There might be such a nuisance by a noxious animal as would

justify the attempt to destroy him, by running him to his earth, but that would not justify the digging for him afterwards. that had been settled to be law—but even if an animal might be pursued with dogs it did not follow that fifty or sixty persons had therefore a right to trespass on other people's lands. He could not see what there was in the case of *Fentham v. Grunday*, 1st. term reports, to warrant the opinion that any person might follow the hounds over the lauds of another.—He had looked into that case, and had referred to the others quoted in it. Even in the case chiefly relied on, it was stated that a man might not hunt for his pleasure or profit, but only to destroy such noxious animals as were injurious to the common weal; therefore, the good to the public must be the governing motive. He would ask the jury, whether that could have been the motive of the defendant? The last witness had expressly stated, that he wished rather to nourish these noxious animals than destroy them.

Mr. Serjeant Best.—After what your lordship has said, I will not occupy the time of your lordship or the jury with one word more.

Lord Ellenborough.—There should be nominal damages; it is only meant to quiet a right—the plaintiff's counsel tell me they will be satisfied with nominal damages, therefore nominal damages will do. If this trespass is repeated it will be a different thing.

The Jury consulted a short time, and returned a verdict for the plaintiff, with forty shillings damages.

The foreman stated, that it was the wish of the jury to give exemplary damages, but understanding that his lordship and the plaintiff acquiesced, they had only given forty shillings.

Lord Ellenborough.—You do very right to find forty shillings—though in this case, as there is a special justification on the record, one shilling damages would answer the purpose of carrying the costs, &c. I should, however, still advise the damages to be forty shillings, but that there are seven other actions depending, and the effect of your verdict would be not to give one forty shillings, but forty shillings seven times over.—One shilling damages will answer every purpose, and I shall, if necessary, certify that the trespass was wilful and malicious.

The jury then altered their verdict to one shilling damages.

The counsel for the plaintiff were—Mr. Serjeant Shepherd, Mr. Garrow, and Mr. Harrison; attorney, Mr. Wilkinson, Red-Lion-Square—and for the de-

pendant, Mr serjeant Best, Mr. Maryatt, and Mr. Stewart; attorney, Messrs. Robinson, Piccadilly.

THE EARL OF ESSEX V. GOSLING, ESQ.

This was a cause of the same description, and the counsel for the defendants consented that a similar verdict should be recorded. This trial finished the assizes.

NATIONAL VACCINE ESTABLISHMENT.

The board of the National Vaccine Establishment, feel it incumbent on them to put the public on their guard against the contagion of the small pox, of which they have received accounts from the following places, in many of which the disease is stated to be epidemical: Painswick; Southam; Wigan; Lynn; Thorne; Egham; Narberth; Brighton; Plymouth; Caernarvon; Cambridge; Yoxford; Hinckley; Maidenhead; Ware; Chesterfield; Market-street; Keynsham; Barkway; Colchester; Cardiff; Crewkern; Littlehampton; Beaumaris; Malden; Cirencester; Ludlow; Burton on Trent; Lee.

They have besides the satisfaction of assuring the public, that vaccination continues to be attended with unabated success.

21, *Leicester-square.*

The number of deaths by the small pox, in London, in the year 1802, was 1811.

By means of vaccination the number of deaths by the small pox in London, in 1803, was reduced to 622.

In consequence of prejudice raised against vaccination, the deaths by small pox, in London, increased to 1685.

It appears by the report of the college of physicians, that one-tenth part or more of the whole mortality in London, is occasioned by the small pox, and that the contagion is constantly increased by the practice of inoculation.

Vaccination is proved to be so effectual a preventive of the infection of the small pox, that if once generally adopted, there is every reason to believe, that in a few years the small pox will be as rare in this country as the plague.

St. James' Park has been crowded with visitors, attracted there by the great number of Spanish sheep, amounting to upwards of 1200, which are grazing in the meadows at the west side of the court, immediately opposite the Queen's house. These Merino sheep were, a few days ago landed at Deptford, as a present to his Majesty from the Spanish government. They were driven to town by Spanish shepherds, and were shorn previous to their being shipped, to prevent them from being too much heated

while on board the ship, and for the purpose of cleanliness or suffering by the fly. They are in shape much like the Welch sheep, but larger; yet not so large as any English sheep. They are amazingly tractable, and attend to the call of their shepherds. The dogs that attend them never worry them, like our sheep dogs, but act rather as their guides and protectors. The shepherds when occasion requires, bleed them near the head with great dexterity, using for the purpose an instrument resembling a razor.

The shepherds, who were six in number, have a very interesting appearance. They are of a very dark complexion, strong and well made, and in the visage are of a Moorish cast. They have most intelligent countenances, a quick eye, converse with flippancy, with those who speak to them in Spanish, and some of them are very intelligent. In their dress they are alike. They wear a scarlet sash round their middle, rough jackets, boots, and large Spanish hats. Their deportment is graceful, and they walk much more like gentlemen, than our Bond-street Loungers; and when they salute their superiors, it is with a very becoming and superior air. From this sample of the Spanish peasantry, they must be a people capable of the greatest attainments and most noble achievements, if their government had been a good one, as they have talents and physical strength that would bid defiance to any power that dare to invade their country or pollute their soil.

Friday night, August 11th, about nine o'clock, the streets of Glasgow were brilliantly illuminated by a meteor, or ball of fire. Its passage was almost instantaneous, and the appearance was very similar to that which would have been produced by inflaming a quantity of gun-powder at a considerable height.

On the afternoon of Friday, 11th inst. came on, at Inverness, a dreadful storm of thunder and lightning, accompanied by a heavy fall of rain, and in several parts of the country with hailstones of an uncommonly large size. I am sorry to learn, that the corn has consequently been lodged in many places, and that considerable damage has otherwise been sustained. A tremendous water spout was observed to burst to the eastward of Dingwall, and I am informed that about 40 sheep were killed by the lightning in the Aird, and that from 20 to 30 shared the same fate in Urquhart.

A beautiful male tyger, a tyger cat,

several sheep, from the Cape of Good Hope, a land and sea tortoise, together with many other oriental quadrupeds, brought home by Sir Edward Pellew, were landed on Thursday at the custom-house quay, Plymouth. The tyger was so tame, that a seaman led it through the streets with a small rope, and the children stroked it over the back without the least danger of being hurt.

The skeleton of a Mammoth, in high preservation (being the second) was lately found on the coast of the White Sea, at the mouth of the river Tana.

A physician of the name of Gortz was publicly executed last month at Berlin. He was a man of extensive practice, and had acquired considerable reputation in his profession, as well as a noble fortune. The circumstances, however, which led to his disgraceful end, are briefly these: The only daughter of Baron Goeler, of the Prussian Board of Finance, was placed under his care, for the eradication of a scrophulous complaint. His skill soon relieved the young lady; but after a short time, the disorder returned. He then declared to the father, whose confidence he had acquired, that unless the daughter was more immediately under his eye, he could not ~~answer~~ for her complete cure. The Baron upon this representation, agreed to her residing some time in the house of Gortz, who was a married man; and in this situation the latter found means to abuse the confidence reposed in him, by seducing the young lady. Dreading the manifestation of his guilt, and sensible that his patient's situation would not admit of much longer concealment, he prescribed a medicine which ope-

rated with much violence, and after a few days terminated her existence. Previously to her dissolution, however, she made known her shame. Gortz was immediately apprehended and examined. He denied the crime imputed to him, and declared that his prescription was intended to relieve her pain. No evidence could be adduced of his guilt. The deceased did not exhibit any appearance of being poisoned; and the medicine, on being analysed, was found to contain no ingredient of that nature. But several physicians, having given their opinion, that they did not think that a man of Gortz's experience could have given the medicine for any other than a malignant purpose, the judges decided against him. His family has been banished the Prussian territory.

Married... At Hatfield, after three years courtship, Mr. Woodyear, an amorous youth of 81, to Miss R. Bradford, aged 16.

Died... Matthew Bolton, esq. aged 81, the respectable head of the celebrated Soho manufactory, Birmingham, whose exertions in the improvement of the mechanical arts, have done so much honour to himself, and have proved so advantageous to his country.

Died... At Irvine, in the 89th year of his age, Charles Fleming, esq. of Montgomeryfield. At an early period of his life he went on the expedition to Carthage, under Admiral Vernon, as a surgeon in the navy. When the fleet returned to Jamaica, his ship, with many others, was lost in the dreadful hurricane that happened at that time; he then came to Europe, but was taken on his passage, and carried into Morlaix, from whence he soon after came over, and settled in Irvine as a surgeon (in the year 1745) where he continued to practice till within a year or two of his death.

DOMESTIC OCCURRENCES.

IRISH.

ULSTER.

With pleasure we notice the first Quarterly Meeting of the Newry Reading Society was held on the 2d instant, in the Assembly-rooms. The business was transacted with the greatest unanimity. This infant establishment promises well; and the commencement does honour to those gentlemen who

were active in founding it. The officers for this, the first year, are the reverends Charles Campbell; A. G. Malcolm, and Bernard Maginis—the Protestant, Presbyterian, and Catholic clergymen.

ANCIENT MELODIES OF IRELAND.

It must be gratifying to the public to hear, that Mr. BUNTING's *national*